

FILED
UNITED STATES DISTRICT COURT
07 MAY 15 PM 4:10

NORTHERN DISTRICT OF CALIFORNIA
RECEIVED BY MAILING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-Filing

SAN FRANCISCO DIVISION

THE UNITED STATES OF AMERICA

CR vs. 07 0300

STEVEN JOHN BARNES

JSW

INDICTMENT

COUNTS ONE AND TWO: Title 18, United States Code, Sections 1030(a)(5)(A)(ii) & 1030(a)(5)(B)(I)- Unauthorized Access Into a Protected Computer Recklessly Causing Damage.

A true bill.



Foreperson

Filed in open court this 15TH **day of** May

A.D. 2007



UNITED STATES MAGISTRATE JUDGE

Bail. \$ no bail set want

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

COUNTS ONE AND TWO: Title 18, U.S.C. §§
 1030(a)(5)(A)(ii) & 1030(a)(5)(B)(1)-
 Unauthorized Access Into a Protected Computer
 Recklessly Causing Damage

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

5 years imprisonment
 \$250,000 fine
 3 years supervised release
 \$100 special assessment

E-Filing

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

S/A Jon Chinn-F.B.I.

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of charges
 previously dismissed which were
 dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under

SHOW
DOCKET NO.MAGISTRATE
CASE NO.

Name and Office of Person
 Furnishing Information on
 THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y
 (if assigned)

SHAWNA YEN

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

FILED

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DEFENDANT U.S.
 STEVEN JOHN BARNES
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 DISTRICT COURT NUMBER

CR 07 0300

DEFENDANT

IS NOT IN CUSTODY

1) ☒ Has not been arrested, pending outcome of this proceeding.
 If not detained give date any process was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

6) ☐ Awaiting trial on other
 charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
 been filed? ☐ Yes ☐ No

If "Yes"
 give date
 filed

DATE OF
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS*

☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

SCOTT N. SCHOOLS (SC 9990)
United States Attorney
Attorney for Plaintiff

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-Filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JSW

UNITED STATES OF AMERICA,
Plaintiff,

v.

STEVEN JOHN BARNES,
Defendant.

CR

07

0300

VIOLATIONS:

18 U.S.C. §§ 1030(a)(5)(A)(ii) &
1030(a)(5)(B)(i): Unauthorized Access Into
a Protected Computer Recklessly Causing
Damage

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

Introduction

1. At all times relevant to this Indictment:

a. Blue Falcon Networks ("BFN"), located in San Mateo, CA, was a company in the business of providing and developing services and content delivery systems for digital media on the Internet. BFN had customers throughout the United States and used its computer system to communicate with its customers, including those that were located outside the state of California.

b. BFN's computer servers were located in San Mateo, CA. All computer

INDICTMENT

1 communications to BFN via the Internet passed through one of these servers. These computer
2 servers were used to facilitate interstate and foreign communication.

3
4 COUNT ONE (18 U.S.C. §§ 1030(a)(5)(A)(ii) & 1030(a)(5)(B)(i))

5 2. The factual allegations in paragraph 1 are re-alleged and incorporated herein as set
6 forth in full.

7 3. On or about September 30, 2003, in the Northern District of California and
8 elsewhere, the defendant

9 STEVEN JOHN BARNES

10 did intentionally access a protected computer without authorization, to wit, one or more of BFN's
11 computer servers, and by means of such conduct, recklessly caused damage, i.e., impaired the
12 integrity and availability of data, a program, a system, and information on BFN's computer
13 systems; which damage caused a loss to BFN aggregating at least \$5,000 in value during the
14 one-year period beginning September 30, 2003 and ending September 30, 2004, in violation of
15 Title 18, United States Code, Sections 1030(a)(5)(A)(ii) & 1030(a)(5)(B)(i).

16
17 COUNT TWO (18 U.S.C. §§ 1030(a)(5)(A)(ii) & 1030(a)(5)(B)(i))

18 4. The factual allegations in paragraph 1 are re-alleged and incorporated herein as set
19 forth in full.

20 5. On or about October 1, 2003, in the Northern District of California and elsewhere,
21 the defendant

22 STEVEN JOHN BARNES

23 did intentionally access a protected computer without authorization, to wit, one or more of BFN's
24 computer servers, and by means of such conduct, recklessly caused damage, i.e., impaired the
25 integrity and availability of data, a program, a system, and information on BFN's computer
26 systems; which damage caused a loss to BFN aggregating at least \$5,000 in value during the

27 //

28 //

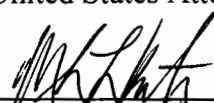
one-year period beginning September 30, 2003 and ending September 30, 2004, in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(ii) & 1030(a)(5)(B)(i).

DATED: May 15, 2007

A TRUE BILL.


FOREPERSON

SCOTT N. SCHOOLS
United States Attorney


MARK L. KROTOSKI
Chief, Criminal Division

(Approved as to form: Shawna Yen)
AUSA Shawna Yen